6 S.B. CIVIL MISC. APPEAL NO.15/2007
(Dilip Singh Vs. Nagjiram & ors.)

Date of Order :: 2nd April 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Sandeep Saruparia for the appellant.

For awarding compensation to the claimant-appellant for the loss suffered by him due to the injuries sustained in a vehicular accident including fracture of humerus bone and so also tibia and fibula bones and for his having remained hospitalised for 18 days, the Tribunal has scanned through the record of the case and has allowed Rs.35,000/- towards treatment expenditure as against the bills of Rs.34,331/-; further Rs.5,000/- towards transportation; another Rs.5,000/- towards attendant; and Rs.3,000/- towards special diets. The Tribunal has further allowed Rs.18,000/- for 6 months' loss of income at Rs.3,000/- per month; and with reference to the certificate Ex.48 stating about 26% permanent partial disablement of 'pain and difficulty in walking, depressed scar with sinus discharging left leg, limping, unable to walk without stick, and unable to squat and to sit cross-leg' has further allowed Rs.20,000/- for pain and sufferings. This apart, the Tribunal has allowed Rs.60,000/- towards loss of future earning capacity at Rs.500/- per month, with application of multiplier of 10.

Questioning the award aforesaid as being low and inadequate, learned counsel for the appellant contended particularly with reference to the component of loss of earning capacity that the assessment of the Tribunal has been too restrictive taking loss of income only at Rs.500/- per month and then with application of lower side multiplier of 10 only and, therefore, the award deserves interference. The submissions are not well founded.

It is true that the claimant in 22 years of age had suffered fracture injuries on his leg and arm but it appears that ultimately the fractures had united and the kind of disablement stated by the Medical Board in its examination conducted on 12.08.2002, about 8 months after the accident, cannot be said to be carrying any such characteristic that would lead to loss of earning capacity particularly when the claimant is alleged to be working as computer operator with a construction company.

In the ultimate analysis, the award of compensation as made by the Tribunal in the sum of Rs.1,46,000/- appears to be just and reasonable and rules out scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

MK **[DINESH MAHESHWARI],J.**